

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

HERMAN FRITZ,

Plaintiff,

Case No. 14-cv-14058

v

Honorable Thomas L. Ludington

PEOPLE OF THE STATE OF MICHIGAN,

Defendant.

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**ORDER DENYING REQUEST FOR RECONSIDERATION**

On October 20, 2014, Herman Fritz filed a “Notice of Action for Removal” requesting “that this Federal District Court ORDER the above and herein described state court action REMOVED to this Federal District Court . . . .” ECF No. 1 at 5. Fritz requested that the instant action be removed from Cass County Circuit Court, which lies in the Southern Division of the Western District of Michigan.

On December 18, 2014, the Court summarily dismissed Fritz’s Notice of Action for Removal without prejudice because venue was not proper in the Eastern District of Michigan. In addition, the Court concluded that the interests of justice did not warrant transfer of the case pursuant to 28 U.S.C. § 1406(a). Accordingly, Fritz’s Notice was dismissed without prejudice.

On December 30, 2014, Fritz filed a “Motion for Change for Venue” requesting that the action be transferred to the Southern Division of the Western District of Michigan. Because judgment had already been entered against Fritz, the motion was construed as a motion for reconsideration, which was denied.

On February 2, 2015, Fritz filed a Request for Reconsideration of Judgment. The request provides:

Therefore this court constued my Motion for Change of Venue as Motion for Reconsideration and there are “palpable defect” on the website the court has pointed out to this petitioner. This defendant present the information attach to the court which place this inmate on parole in the State of Indiana and ask the court to review the said wedsite for update information. [sic throughout]

Request 1, ECF No. 10.

This is the second motion for reconsideration of the Court’s December 18, 2014 Judgment dismissing Fritz’s complaint. The Local Rules do not allow a party to file multiple motions for reconsideration of an order. Even if the Court had the authority to consider subsequent motions for reconsideration, Fritz’s second motion for reconsideration does not identify a “palpable defect by which the court . . . [has] been misled” or shown “that correcting the defect will result in a different disposition of the case,” as required by the Local Rules.<sup>1</sup> A motion for reconsideration that presents issues already ruled upon by the district court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999). As discussed in the Court’s previous Orders, Fritz’s complaint was properly dismissed for improper venue; moreover, the interests of justice do not require transferring this case to the Western District of Michigan.

Accordingly, it is **ORDERED** that Fritz’s second Request for Reconsideration (ECF No. 10) is **DENIED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: February 9, 2015

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<sup>1</sup> It appears that Fritz contends that there was a “palpable defect” in the website, but he does not identify what that defect is. Indeed, a review of the documents indicates that Fritz was transferred to the Indiana Department of Corrections, who released him on parole November 25, 2014—the facts relied upon by the Court in its December 18, 2014 Opinion and Order.

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon Herman Fritz 801665, at 933 McPherson, Elkhart, IN 46514 by first class U.S. mail on February 9, 2015.

s/Tracy A. Jacobs  
TRACY A. JACOBS